

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Laketha Moore,

Plaintiff

v.

William Reubart, et al.,

Defendants

Case No.: 2:24-cv-00497-APG-MDC

**Suggestion of Plaintiff's Death and Related
Matters**

This action began with a civil-rights complaint under 42 U.S.C. § 1983 and an incomplete application to proceed in forma pauperis submitted by state prisoner Laketha Moore. ECF Nos. 1, 1-1. Moore later filed a complete application to proceed in forma pauperis in compliance with the magistrate judge's order to do so. ECF Nos. 3, 5. In preparing to screen Moore's complaint it came to my attention that, according to the Nevada Department of Corrections (NDOC) inmate database, Moore is listed as deceased. No party has filed a suggestion of death, but that is not surprising considering that Moore is the only party who appeared in this case, and I am not aware that she had any other active lawsuits.

Federal Rule of Civil Procedure 25(a)(1) provides that, "[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party." "A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a)(1). But "if the right sought to be enforced survives only to or against the remaining parties, the action does not abate, but proceeds

1 in favor of or against the remaining parties.” *Id.* at (a)(2). And “[t]he death should be noted on
2 the record.” *Id.*

3 I THEREFORE ORDER that this action will be dismissed unless a motion under Rule
4 25(a)(1) to substitute the proper party for plaintiff-decedent Laketha Moore is filed by March 15,
5 2025.

6 I FURTHER ORDER that Moore’s applications to proceed in forma pauperis (ECF
7 Nos. 1, 5) are denied as moot.

8 Dated: December 6, 2024



Chief United States District Judge